IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

CENTURY SURETY COMPANY	)	
	)	
Plaintiff,	)	
v.	)	**Case No. 13-cv-386-C**
	)	
SHAYONA INVESTMENT, LLC.	)	
	)	
Defendant.	)	

ANSWER and COUNTERCLAIM

ANSWER

Defendant answers Plaintiff's Complaint that it:

(1) Admits the allegations of paragraphs 1 through 11, 13 and 14, 19 and 20, and 24.

(2) Denies the allegations of paragraphs 11, 12, 16, 18, 21,and 22.

(3) With regard to paragraph 15, Defendant admits that Plaintiff paid part of its claim but denies the allegation the allegation that the damage was not caused by hail and water damage.

(4) With regard to paragraph 17, admits that it has made a claim for business income loss as a result of the hail and water damage and that there is a controversy over Plaintiff's failure to pay the balance but denies Defendant failed to provide information.

(5) With regard to paragraph 23, admits that if the facts Plaintiff alleges were true there would be a result under which Plaintiff would not have to pay the claim but denies those factual allegations are true.

(6) With regard to paragraph 25, admits that Plaintiff has paid part of what it owes on

the claims and should pay the entire claim and that there is a controversy concerning Plaintiff's failure to pay but denies it has failed to provide information or that the coverage is voided.

(7) As to Plaintiff's prayer for relief, Defendant admits the issues list should be decided by the Court but alleges an additional issue is whether Plaintiff has failed to deal fairly and in good faith with Defendant's claim.

COUNTERCLAIM

(8) Plaintiff has breached its insurance contract with Defendant by failing to timely pay the claim but instead accusing Defendant of illegal and nefarious acts, to Defendant's damage.

(9) Plaintiff failed to deal fairly and in good faith with Defendant, to Defendant's damage.

WHEREFORE, Defendant prays damages against Plaintiff on the contract and for tort damages, in an amount in excess of $75,000.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On May 13, 2013, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants: Phil R. Richards at prichards@richardsconnor.com; Brett E. Gray at Bgray@richardsconnor.com; and Randall Jay Lewin at rlewin@richardsconnor.com.

/s/Rex Travis